



ocket No.: 043888-0314

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 53080
Yuu INATOMI, et al. : Confirmation Number: 2569
Application No.: 10/827,424 : Group Art Unit: 1745
Filed: April 20, 2004 : Examiner: Chu, Helen Ok
For: ELECTROCHEMICAL DEVICE AND ELECTRODE ACTIVE MATERIAL FOR
ELECTROCHEMICAL DEVICE

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A one-month extension of time is being filed concurrently with this response.

Noting the Office Action of December 14, 2006 wherein restriction has been required, Applicants hereby elect Group I (claims 22, 25, 28, 32, 35, 38, 41, 44, 47, 50, 53) drawn to an electrode active material with formula 1a, for prosecution in the above-identified application.

The above cited list of claims reflects a correction to the December 14, 2006 Office Action, which incorrectly listed claim 32 twice and failed to list claim 44. This error was acknowledged in a telephone conversation with the Examiner on January 16, 2007. With respect to claims 32 and 34, the Examiner has required that Applicants elect a) a specific X atom, a specific R1 to R4 group, R5 and R6 as recited, in claim 32; b) a specific R1 to R4 and R7 to R10 group, R5 to R6 group as recited in claim 34; c) a specific number of carbon atom as recited in claims 28 and 30 respectively, and; d) a specific negative active material as recited in claims 44,

46, 53 and 55. Section b) is not applicable to the election of species as Applicants have elected claim 32 and not claim 34. The term “number” listed in c) reflects a correction to the December 14, 2006 Office Action, which incorrectly listed the term “range”. Claim 32 recites a specific range of 1-6 carbon atoms. However, the Examiner requested in a telephone conversation on January 16, 2007 that one specific carbon number be elected. Furthermore, the claims listed in d) reflect a correction to the December 14, 2006 Office Action, which incorrectly listed claim 32 and failed to list claim 53. This error was acknowledged in a telephone conversation with the Examiner on January 16, 2007. Accordingly, Applicants elect the following groups:

- a) X = S; R1 to R4 and R5 and R6 are a cyclic aliphatic group
- b) [not applicable]
- c) the specific range of carbon atom is 1 carbon atom.
- d) the specific negative active material is a lithium-containing composite titanium oxide.

Applicants respectfully traverse this election of species because Applicants believe that there is no excessive burden on the Examiner to examine the ranges of Markush groups cited in the claims. The main skeleton structure of general formula 1a constitutes in itself a narrow range of compounds characterized by a two 5-membered rings including X atoms. Furthermore, with regard to the specific X atom, both O and S belong to family 16 of the periodic table and need no further election. Moreover, the range of carbon atoms being from 1-6 carbon atoms is a definite range and also is not excessive in scope.

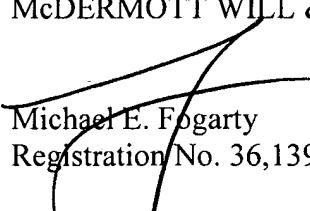
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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